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February 17, 2009

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC#  
DATE FILED: 2/24/09

Via Hand Delivery

Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl St. Rm. 1370  
New York, NY 10007-1312

Re: William A. Gross Constr. Assocs. v. American Mfg. Mutual Ins.  
07-CV-10639 (LAK) (AJP)

Dear Judge Peck:

We submit this letter application seeking to substitute counsel for Materials Testing Lab Inc. ("MTL"), a fifth-party defendant in the above-listed action.

MTL was originally represented in this matter by Thelen LLP. Upon Thelen LLP's December 1, 2008 dissolution, MTL's representation moved with the Thelen LLP attorneys handling the matter to Duane Morris LLP. (See docket # 296.)

A potential conflict with an existing Duane Morris LLP client has recently been raised, and consequently, Wasserman Grubin & Rogers, LLP has been retained to represent MTL in place of Duane Morris LLP. Accordingly, we respectfully request that the Court "so order" this substitution of counsel for MTL.

Respectfully submitted,

Wasserman Grubin & Rogers, LLP

By Richard Wasserman, Esq.

Duane Morris LLP

By Brian Markowitz, Esq.

Materials Testing Lab Inc.

By Kevin Cosgrove, President

MEMO ENDORSED 2/24/09  
APPROVED

So Ordered:

Hon. Andrew J. Peck, U.S.M.J.

HON. ANDREW J. PECK  
United States Magistrate Judge  
Southern District of New York

cc: Hon. Lewis A. Kaplan (by hand)  
Counsel of Record (via e-mail)

BY ECF

BY ECF. All Counsel  
John Markowitz